

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**14**

**CA 20-01586**

PRESENT: WHALEN, P.J., NEMOYER, CURRAN, WINSLOW, AND BANNISTER, JJ.

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IN THE MATTER OF APPLICATION OF CITY OF  
JAMESTOWN, PETITIONER-RESPONDENT,

V

ORDER

TOWN COUNCIL OF TOWN OF ELLICOTT AND BOARD OF  
TRUSTEES OF VILLAGE OF FALCONER,  
RESPONDENTS-APPELLANTS.  
(APPEAL NO. 1.)

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HARRIS BEACH PLLC, BUFFALO (ALLISON B. FIUT OF COUNSEL), FOR  
RESPONDENTS-APPELLANTS.

BOND, SCHOENECK & KING, PLLC, SYRACUSE (STEPHANIE M. CAMPBELL OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from a judgment (denominated order) of the Supreme Court, Chautauqua County (Lynn W. Keane, J.), entered October 30, 2020 in a proceeding pursuant to CPLR article 78. The judgment, inter alia, granted the petition and determined that the subject annexation petition is legally compliant.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Eric D.* [appeal No. 1], 162 AD2d 1051, 1051 [4th Dept 1990]).

Entered: January 28, 2022

Ann Dillon Flynn  
Clerk of the Court